Timing announcement [illegible] tapes to Cox, Senate 7/23/73. 1:10 p.m. WTOP Radio, WH announced no decision, or no letter sent yet. 1:33 CBS-TV interrupted regular show for correct announcement. Nat'l Pub. Radio live broadcast from WH few minutes after 2 p.m., no text yet available. If true, there was an unexplained rush in announcement [illegible] with no apparent need [illegible] for rushing. The letter ~~will~~ have to be pretty terrible for the W.H. not to want its for the WH not to want for it the no-holds play any WH statement can get... From Grimm to grim.

Hw 7/23/73

Nixon's claim that he has personally listened to the tapes and they support all he has said is equivalent to his saying "The proof that I am innocent is the fact that I say I am ~~[illegible]~~ innocent"

Transposed to a court of law this is like a judge dismissing a case by saying, "This man says he did not commit the murder, therefore there is no need to have a trial - he is innocent. All the proof the law or society require is his statement - and that doesn't even have to be under oath - that he is innocent. When the defendant makes a public statement that he is innocent no purpose is served by a trial regardless of the number of witness who have given sworn statements attesting to having seen him kill."

Nixon's claim to "executive privilege" and to immunity under what he styles as the "separation of powers" is the most open claim he has made to dictatorial rights and powers.

On the one hand he says that the second branch of government is powerless and with authority or obligations in pursuit of Congressional responsibilities and specific Congressional mandate where he is concerned. He says that he and his staff can commit any crime with immunity and that Congress is with power to legislate prohibition of such crimes.

On the other hand, in turning down any request for evidence from his own special prosecutor - part of his own, executive branch - with the claim to "separation of powers" is obviously ~~fraud~~ frivolous, for he and the prosecutor are of the same, inseparable branch. To claim any measure of "privilege" it tantamount to an admission of guilt.

[illegible] to claim that he or anyone not part of the prosecution can decide whether evidence is to be presented to a grand jury or thereafter to a petit jury is to say that a President and his staff can commit any crime at any time, with judicial innocence and without punishment. A grand jury indicts or refuses to indict on the basis of evidence. The verdict in a trial is supposed to be decided on the basis of evidence & that only. To deny that evidence is to nullify the entire system of justice as it relates to the President and his chosen. It is tantamount to claiming that any President in general and Richard Nixon in particular can make a slaughterhouse of the White House and nobody can do a damned thing.

More - that the laws ~~is~~ are wrong where Presidents are concerned - and that it is also wrong to enforce the laws is in itself wrong where the President is involved.

In short, Richard Nixon is a dictator, with dictatorial powers & rights

7/23/73, 2:15pm